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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,162	09/30/2003	Hiroshi Ogasawara	501.43126X00	9821
24956 7590 03/05/2008 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314				
EXAMINER COLAN, GIOVANNA B				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/673,162

**Applicant(s)**

OGASAWARA ET AL.

**Examiner**

GIOVANNA COLAN

**Art Unit**

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISD/IC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 9/30/2003,02/07/2004,01/12/2005



**DETAILED ACTION**

1. This action is issued in response to applicant filed request for continued examination (RCE) on 11/13/2007.
2. Claims 1, and 15 have been amended. No claims were added. No claims were canceled.
3. Claims 1 – 19 are pending in this application.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1 – 19 have been considered but are moot in view of the new ground(s) of rejection.

***Information Disclosure Statement***

5. The information disclosure statement (IDS) was submitted on 09/30/2003, 02/07/2004, and 01/12/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Continued Examination Under 37 CFR 1.114***

6. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set

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forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/11/2006 has been entered.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 1 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bret S. Weber (Weber hereinafter) (US 2003/0225735 A1) in view of Masahiro Fukui (Fukui hereinafter) (US 2001/0005894 A1).

Regarding Claim 1, Weber discloses a storage device system comprising:

a plurality of storage devices in which information is stored (Fig. 1, items 122-124, and 130, Page 3, [0029], lines 2 – 7, Weber);

a storage device control section for controlling storage of information in said plurality of storage devices (Page 3, [0029], lines 2 – 7, Weber);

a connection unit connected to said storage device control section (Page 3, [0029], and [0031], lines 7 – 12, and 1 – 4; respectively, Weber); and

a first processor that is connected to a local area network (LAN) external to said storage device system (Page 2, [0017], and [0019], lines 5 – 10, and 1 – 4; respectively, Weber), that converts data of a file access from received over said LAN into data of block access form (Page 3, [0027], and [0029], lines 1 – 6, and 12 – 15; respectively, Weber); and

a second processor that is connected to said storage device control section via said connection unit (Fig. 1, items 120, 124, and 128, Page 2, [0025], lines 10 – 16, Weber), that accesses said plurality of storage devices via said connection unit and said storage device control section in response to data of the block access form issued from said first processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber).

Weber also discloses a system and method for controlling (Page 3, [0032] and [0034], Weber). However, Weber does not explicitly disclose: that the second processor controls activation of said first processor. Fukui discloses a system and method for remote power management system including: a second processor that controls activation of a first processor including resetting said first processor by said second processor; and wherein said resetting said first processor by said second processor by said second processor includes stopping supplying power to said first processor, re-supplying power to said first processor and activating a Basic Input/Output System (BIOS) of said first processor (Page 1, [0008], Fukui). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Fukui's teachings to the system Weber. Skilled artisan would have been motivated to do so, as suggested by Fukui ((57), Abstract, Fukui), to solve problems as to occurrence of uncontrollability of power supply due to malfunction of an uninterruptible power supply device that is incapable of trying restart and recovery of information processing apparatus of the certain type merely through start or termination of power supply or alternatively as to unwanted interruption of power supply to information processing apparatus constituting a network.

Regarding Claim 2, the combination of Weber in view of Fukui discloses a storage device system, further comprising:

a second communication control section connected on a second network external to said storage device system (Fig. 1, items 126, and 128, Page 3, [0029], lines 2 – 7, Weber),

wherein said first communication control section is formed with the same circuit board as said second communication control section is (Page 3, [0029], and [0031], lines 7 – 12, and 1 – 4; respectively, Weber).

Regarding Claim 3, the combination of Weber in view of Fukui discloses a storage device system, wherein:

said first processor diagnoses the hardware thereof (Page 2, [0017], Fukui);  
wherein said second processor issues a request for start of hardware diagnosis of said first processor to said first processor (Page 2, [0017], Fukui).

Regarding Claim 4, the combination of Weber in view of Fukui discloses a storage device system, further comprising:

a management terminal connected to each of said first and second processors (Page 3, [0028], Weber),

wherein said second processor issues a request for start of first processing to said first processor (Page 2, [0017], Fukui); and

wherein said first processor acquires first software from said management terminal in response to the first processing start request issued from said second



processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber; and Page 2, [0017], Fukui).

Regarding Claim 5, the combination of Weber in view of Fukui discloses a storage device system, wherein said first processor acquires second software from said management terminal under the control of the first software acquired from said management terminal (Fig. 1, items 126, and 128, Page 3, [0029], lines 2 – 7, Weber), and writes the second software in said plurality of storage devices via said connection unit and said storage device control section (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber).

Regarding Claim 6, the combination of Weber in view of Fukui discloses a storage device system, wherein:

wherein said second processor issues a request for start of second processing to said first processor (Page 2, [0017], Fukui);

said first processor acquires the second software written in said plurality of storage devices via said connection unit and said storage device control section in response to the second processing start request issued from said second processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber).

Regarding Claim 7, the combination of Weber in view of Fukui discloses a storage device system, wherein both the first processing start request and second

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processing start request contain time instant information (Page 2, [0015], lines 3 – 14, Fukui).

Regarding Claim 8, the combination of Weber in view of Fukui discloses a storage device system, wherein said first communication control section includes a storage device in which third software is stored (Page 3, [0029], lines 2 – 7, Weber),

wherein said first processor activates the third software so as to activate said first communication control section, and waits for a request issued from said second processor (Page 2, [0017], and [0019], lines 5 – 10, and 1 – 4; respectively, Weber).

Regarding Claim 9, the combination of Weber in view of Fukui discloses a storage device system, further comprising:

a second communication control section that is connected on a second network external to said storage device system (Fig. 1, items 126, and 128, Page 3, [0029], lines 2 – 7, Weber),

wherein said first communication control section is formed with the same circuit board as said second communication control section (Page 3, [0029], and [0031], lines 7 – 12, and 1 – 4; respectively, Weber).

Regarding Claim 10, the combination of Weber in view of Fukui discloses a storage device system, wherein said first processor diagnoses the hardware thereof and

wherein said second processor issues a request for start of hardware diagnosis of said first processor to said first processor (Page 2, [0017], Fukui).

Regarding Claim 11, the combination of Weber in view of Fukui discloses a storage device system, further comprising:

a management terminal connected to each of said first communication control section and said second communication control section (Page 3, [0028], Weber),

wherein said second processor issues a request for start of first processing to said first processor (Page 2, [0017], Fukui), and

wherein said first processor acquires first software from said management terminal in response to the first processing start request issued from said second processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber; and Page 2, [0017], Fukui).

Regarding Claim 12, the combination of Weber in view of Fukui discloses a storage device system, wherein said first processor acquires second software from said management terminal under the control of the first software acquired from said management terminal (Fig. 1, items 126, and 128, Page 3, [0029], lines 2 – 7, Weber), and writes the second software in said plurality of storage devices via said connection unit and said storage device control section (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber).

Regarding Claim 13, the combination of Weber in view of Fukui discloses a storage device system, wherein said second processor issues a request for start of second processing to said first processor (Page 2, [0017], Fukui), and

wherein said first processor acquires the second software written in said plurality of storage devices via said connection unit and said storage device control section in response to the second processing start request issued from said second processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber; and Page 2, [0017], Fukui).

Regarding Claim 14, the combination of Weber in view of Fukui discloses a storage device system, wherein both said first processing start request and said second processing start request contain time instant information (Page 2, [0015], lines 3 – 14, Fukui).

Regarding Claim 15, the combination of Weber in view of Fukui discloses a method of activating a storage device system that comprises a plurality of storage devices in which information is stored, a storage device control section which controls storage of information in said plurality of storage devices, a connection unit connected to said storage device control section,

a first processor that is connected to a local area network (LAN) external to said storage device system (Page 2, [0017], and [0019], lines 5 – 10, and 1 – 4; respectively, Weber) and that converts data of a file access form received over said LAN into data of

a block access form (Page 3, [0027], and [0029], lines 1 – 6, and 12 – 15; respectively, Weber), and a second processor that is connected to said storage device control section via said connection unit (Fig. 1, items 120, 124, and 128, Page 2, [0025], lines 10 – 16, Weber), and that accesses said plurality of storage devices via said connection unit and said storage device control section in response to the data of the block access form issued from said first processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber), said method comprising the steps of:

controlling, by said second processor, activation of said first processor including resetting said first processor by said second processor (Page 3, [0032] and [0034], Weber; and Page 1, [0008], Fukui),

wherein the resetting said first processor by said second processor includes stopping supplying power to said first processor, re-supplying power to said first processor and activating a Basic Input/Output System (BIOS) of said first processor (Page 1, [0008], Fukui);

issuing, by said second processor, a request for start of hardware diagnosis of said first processor to said first processor (Page 1, [0008], Fukui); and

performing, by said first processor, hardware diagnosis in response to the hardware diagnosis start request issued from said second processor (Page 1, [0008], Fukui).

Regarding Claim 16, the combination of Weber in view of Fukui discloses a method, said method further comprising the steps of:

issuing, by said second processor, a request for start of first processing to said first processor (Page 2, [0017], Fukui); and

acquiring, by said first processor, first software from said management terminal in response to the first processing start request issued from said second processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber; and Page 2, [0017], Fukui).

Regarding Claim 17, the combination of Weber in view of Fukui discloses a method, further comprising the steps of:

acquiring, by said first processor, second software from said management terminal under control of the first software acquired from said management terminal (Fig. 1, items 126, and 128, Page 3, [0029], lines 2 – 7, Weber), and writing the second software in said plurality of storage devices via said connection unit and said storage device control section (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber).

Regarding Claim 18, the combination of Weber in view of Fukui discloses a method, further comprising the steps of:

issuing, by said second processor, a request for start of second processing to said first processor (Page 2, [0017], Fukui); and

acquiring, by said first processor, the second software written in said plurality of storage devices via said connection unit and said storage device control section in

response to the second processing start request issued from said second processor (Page 3, [0029], and [0033], lines 12 – 15, and 1 – 9; respectively, Weber; and Page 2, [0017], Fukui).

Regarding Claim 19, the combination of Weber in view of Fukui discloses a storage device, wherein said first and said second processors form part of a first communication control section (Page 3, [0029], lines 2 – 7, Weber).

***Prior Art Made Of Record***

1. Martin et al. (US Patent No. 5,504,873, patented: April 2, 1996) discloses a mass data storage and retrieval system.
2. Akizawa et al. (US Patent No. 5,548,724, patented: August 20, 1996) discloses a file server system and file access control method of the same.
3. Beardsley et al. (US Patent No. 6,513,097 B1) disclose a method and system for maintaining information about modified data in cache in a storage system for use during a system failure.
4. Abe et al. (US Patent No. 6,880,104 B2, filed: December 20, 2001).
5. Bret S. Weber (US 2003/0225735 A1).
6. Masahiro Fukui (US 2001/0005894 A1).

***Points Of Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIOVANNA COLAN whose telephone number is (571)272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan  
Examiner  
Art Unit 2162  
February 23, 2008

/Jean M Corrielus/  
Primary Examiner, Art Unit 2162